



Press Release

National Labor Relations Board

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Another Circuit Court of Appeals rules in favor of two-member NLRB

Weighing in on a matter pending before the Supreme Court, the Court of Appeals for the Fourth Circuit today ruled that the National Labor Relations Board has the authority to issue decisions while three of its five seats are vacant.

The Board has operated with only two members since January 2008, issuing decisions in more than 500 cases. While many of those decisions have been accepted by the parties, at least 77 have been challenged on the two-member question and are awaiting resolution in the courts. The U.S. Courts of Appeals for the First, Second and Seventh Circuits earlier held in favor of the Board, while the District of Columbia Circuit held against it.

On November 2, the Supreme Court agreed to settle the matter of the two-member Board's authority, and a ruling is expected by the end of June. Meanwhile, three NLRB nominees are awaiting confirmation by the full Senate.

Today's ruling in [*Narricot Industries, L.P., v. National Labor Relations Board*](#) involves a seatbelt manufacturer with factories in Virginia and North Carolina, where about 300 employees were represented by the United Brotherhood of Carpenters and Joiners of America. The NLRB ruled, and the court agreed, that Narricot improperly withdrew recognition from the Union in October 2007 after company officials extensively aided an effort by some workers to oust the Union. The Board has ordered Narricot to return to bargaining with the Union, and the court upheld that order.

The National Labor Relations Board is an independent federal agency created by Congress in 1935 to administer the [National Labor Relations Act](#), the primary law governing relations between unions and employers in the private sector. The statute guarantees the right of employees to organize and to bargain collectively with their employers, and to engage in other protected concerted activity with or without a union, or to refrain from all such activity.

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